UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS WESTERN DIVISION

MERRY F. SHANE, Individually and on Behalf of All Others Similarly Situated,

Civil Action No.: 3:10-cv-50089 (Consolidated with Civil Action No. 3:10-cv-50132)

Plaintiff,

v.

AMCORE FINANCIAL, INC., JOHN A. HALBROOK, FREDERICK D. HAY, STEPHEN S. ROGERS, JOHN W. GLEESON, WILLIAM R. MCMANAMAN, JACK D. WARD, PAULA A. BAUER, PAUL DONOVAN, TERESA IGLESIAS-SOLOMON, JUDITH CARRÈ SUTFIN, DONALD H. WILSON, and DOES 1-20,

Defendants.

DECLARATION OF TIMOTHY J. MACFALL IN SUPPORT OF MOTION FOR APPOINTMENT INTERIM CLASS AND INTERIM LIAISON COUNSEL

I, TIMOTHY J. MACFALL, hereby declare that:

- 1. I am a member of Rigrodsky & Long, P.A., co-counsel, along with the Egleston Law Firm, for plaintiff Merry F. Shane ("Plaintiff Shane") in the above-captioned action (the *Shane* Action). I submit this declaration in further support of Plaintiff Shane's motion for appointment of interim class counsel and interim liaison counsel.
- 2. The *Shane* Action was filed in this Court on or about April 14, 2010. On or about May 24, 2010, the action entitled *Michelle Kretsinger and Keith Kretsinger v. Amcore Financial, Inc., et al.,* Civil Action: 10-cv-50132 (the "*Kretsinger* Action") was also filed in this Court.



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3. On or about June 14, 2010, I called counsel for plaintiff in the Kretsinger

Action to propose that the actions be consolidated and the counsel work cooperatively to

prosecute the cases. Specifically, I intended to, and ultimately did, propose that one of

the counsel for Plaintiff Shane and counsel for plaintiff in the Krestinger Action seek

appointment as interim co-lead counsel and that work on the cases be done an equal,

50/50 basis. I was unable to reach counsel at that time and left a voicemail.

4. The following day, June 15, 2010, I received a voicemail from counsel in

the Krestinger Action in which counsel proposed consolidating the actions, and that they

serve as interim lead counsel, with counsel for Plaintiff Shane accepting a lesser role.

Specifically, counsel for plaintiffs in the Kretsinger Action proposed that counsel in the

Shane Action accept a 25% interest in the case, subject to an upward adjustment of up to

30% based on the number of hours actually worked on this case.

5. I had subsequent conversations with Edward W. Ciolko of Barroway

Topaz Kessler Meltzer & Check, LLP, counsel for plaintiffs in the Kretsinger Action,

during which we discussed our respective proposals and positions. Unfortunately,

counsel have been unable to reach any compromise of their respective positions.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: August 17, 2010

TIMOTHY J. MACFALL